

BAKER & HOSTETLER LLP
45 Rockefeller Plaza
New York, New York 10111
Telephone: (212) 589-4200
Facsimile: (212) 589-4201
David J. Sheehan
Nicholas J. Cremona
Heather R. Wlodek

*Attorneys for Irving H. Picard, Trustee for the
Substantively Consolidated SIPA Liquidation of
Bernard L. Madoff Investment Securities LLC
and the Chapter 7 Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

Presentment Date: December 26, 2023
Time: 12:00 p.m.

Objections Due: December 26, 2023
Time: 11:00 a.m.

Adv. Pro. No. 08-01789 (CGM)

SIPA Liquidation

(Substantively Consolidated)

**TRUSTEE'S APPLICATION FOR AN ORDER APPROVING THE RETENTION OF
WINKLER PARTNERS AS SPECIAL COUNSEL**

Irving H. Picard (the “Trustee”), as trustee for the substantively consolidated liquidation of Bernard L. Madoff Investment Securities LLC (“BLMIS”) under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.* (“SIPA”), and the Chapter 7 estate of Bernard L. Madoff (together with BLMIS, the “Debtor”), by and through his undersigned counsel, hereby submits this Application for authority to retain Winkler Partners (“Winkler”) as special counsel

in Taiwan, and respectfully represents as follows:

Jurisdiction

1. This Court has jurisdiction over this Application under SIPA section 78eee(b) and 28 U.S.C. §§ 157 and 1334. This matter is a core proceeding within the meaning of 28 U.S.C. § 157(b)(2). Venue in this District is proper under 28 U.S.C. §§ 1408 and 1409.

2. The statutory predicates for the relief sought herein are section 78eee(b)(3) of SIPA, sections 327(a), 328, and 330 of the Bankruptcy Code, and Fed. R. Bankr. P. 2014.

Background

3. On December 11, 2008, the Securities and Exchange Commission filed a complaint in the United States District Court for the Southern District of New York against Bernard L. Madoff and BLMIS, alleging that Madoff and BLMIS engaged in fraud through the investment advisory activities of BLMIS. *See United States v. Madoff*, No. 08 CV 10791 (S.D.N.Y. 2008).

4. On December 15, 2008, the Honorable Louis L. Stanton of the United States District Court for the Southern District of New York entered an order pursuant to SIPA, which in pertinent part:

- a) appointed the Trustee for the liquidation of the business of BLMIS pursuant to section 78eee(b)(3) of SIPA;
- b) appointed Baker & Hostetler LLP as counsel to the Trustee pursuant to section 78eee(b)(3) of SIPA; and
- c) removed the case to this Bankruptcy Court pursuant to section 78eee(b)(4) of SIPA.

5. Issues have arisen in Taiwan that require the Trustee's representation by local counsel. The Trustee seeks to retain Winkler to advise the Trustee regarding various issues under Taiwanese law and assist the Trustee with litigation where Taiwanese law is implicated.

Relief Requested

6. Winkler is a Taiwanese law firm with an office in Taipei. It focuses its practice on dispute resolution, intellectual property, employment and corporate law. Mr. Peter Dernbach, the coordinating partner of Winkler, has years of experience working on U.S. and Taiwanese litigation. He is registered as an Attorney of Foreign Legal Affairs with Taiwan's Ministry of Justice and is admitted to practice law in California and the District of Columbia.

7. The services of Winkler and Mr. Dernbach are necessary and essential to enable the Trustee to execute faithfully his duties in the SIPA liquidation proceeding. The Trustee, therefore, proposes to retain and employ Winkler as special counsel with regard to litigation and any similar matters as directed by the Trustee.

8. The Trustee submits that the retention of Winkler is permissible under section 78eee(b)(3) of SIPA and is in the best interest of the Debtor's estate, customers, and creditors. To the best of the Trustee's knowledge, as disclosed in Mr. Dernbach's declaration of disinterestedness annexed hereto as Exhibit A, the partners of Winkler are disinterested pursuant to sections 78eee(b)(3) and 78eee(b)(6) of SIPA and do not hold or represent any interest adverse to the Debtor's estate with respect to the matter for which Winkler is to be retained.

9. Winkler is willing to act on the Trustee's behalf to render the foregoing professional services and will be compensated at agreed upon rates, listed below, which reflect a reduction of its normal rates by at least ten percent (10%). Applications for compensation to Winkler will be filed with this Court pursuant to applicable statutes, rules, and orders of this Court. Winkler's rate information is as follows:

Attorney	Standard Hourly Rate	Discounted Hourly Rate
Peter J. Dernbach	NT\$15,000	NT\$13,500
Gary Kuo	NT\$13,500	NT\$12,150
Ling-ying Hsu	NT\$12,000	NT\$10,800

Brian Wang	NT\$9,000	NT\$8,100
Helen Chen	NT\$8,000	NT\$7,200
Selma Tseng	NT\$7,000	NT\$6,300
Yi-Kai Chen	NT\$6,000	NT\$5,400
Chi-hsien Nieh	NT\$6,000	NT\$5,400
Natalie Lee	NT\$6,000	NT\$5,400
Emma Chiu	NT\$6,000	NT\$5,400
George Bobyk	NT\$6,000	NT\$5,400
Senior Associates	NT\$6,000-10,000	NT\$5,400-9,000
Associates/Paralegals	NT\$5,000-9,000	NT\$4,500-8,100
Other Support Staff	NT\$3,000-4,500	NT\$2,700-4,050

Winkler and Baker & Hostetler will coordinate so there will be no duplication of efforts.

10. SIPC has no objection to this Application and, pursuant to SIPA section 78eee(b)(3), SIPC specifies and approves of the retention of Winkler as the Trustee's special counsel in Taiwan.

Notice

11. Notice of this Application will be provided by U.S. Mail or email to (i) all parties included in the Master Service List as defined in the Order Establishing Notice Procedures (ECF No. 4560); (ii) all parties that have filed a notice of appearance in this case; (iii) the SEC; (iv) the IRS; (v) the United States Attorney for the Southern District of New York; and (vi) SIPC, pursuant to the Order Establishing Notice Procedures (ECF No. 4560). The Trustee submits that no other or further notice is required.

WHEREFORE, the Trustee respectfully requests that the Court enter an order substantially in the form of Exhibit B hereto, (a) granting this Application; (b) authorizing the Trustee to employ Winkler as special counsel in Taiwan for the purposes described herein; and (c) granting the Trustee such other and further relief as is just and proper.

Dated: December 15, 2023
New York, New York

Respectfully submitted,

/s/ David J. Sheehan

Baker & Hostetler LLP

45 Rockefeller Plaza

New York, New York 10111

Telephone: (212) 589-4200

Facsimile: (212) 589-4201

David J. Sheehan

Email: dsheehan@bakerlaw.com

Nicholas J. Cremona

Email: ncremona@bakerlaw.com

Heather R. Wlodek

Email: hwlodek@bakerlaw.com

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